

**Beaver County
Planning & Zoning Commission
June 25, 2019
7:00p.m.**

Minutes

Attendance: Darrel Davis- Chairman, Walter Schofield, Drew Coombs, Kolby Blackner, Don Noyes, Karianne Jarvis, Bryan Graham, Jared Gillins representing the Zoning Department, Von Christiansen as Attorney and Kyle Blackner as Zoning Administrator. Drew Coombs was not in attendance.

Visitors: Carla Fowles, Arden Fowles, Brandon Yardley, Alex Mayer, Olivia Barnes and Zack Barnes

Called to Order at 7:00 p.m.

MINUTES:

Minutes from the May 21, 2019 meeting were reviewed. Don Noyes made a motion to approve the minutes. Karianne Jarvis seconded the motion. Bryan Graham, Kolby Blackner and Walter Schofield voted for, thus the motion passed unanimously.

REZONEMENT APPLICATION:

Chairman Davis opened the meeting to a public hearing. Arden and Carla Fowles and Zachary and Olivia Barnes came before the board with an Application for an Amendment to the Zoning Map from Agriculture-20 Flat of Milford (A-20fm) to Residential Estates 1 (RE-1) for their property in Sec. 25, T28S, R11W. Previously, this parcel was part of a much larger tract, but once the majority of the original parcel was sold off, it lost its “grandfather” status and is now a non-conforming lot. Recently, as the Fowles attempted to sale the home, this issue was brought to their attention. It is their hope to have the property rezoned, so the new owners will then have a conforming lot, thus allowing them to build an addition, remodel or add a garage in the future. From the gallery, Brandon Yardley provided some additional history of the original parcel. Von Christiansen asked where the nearest RE-1 parcel was located. It was determined there were three lots on the corner of the Cates Road and Hwy 129. Von Christiansen then asked if a zone change was the only option. Mr. Blackner stated that a variance was not an option, as they did not meet all of the state requirements. Brandon Yardley stated that there were at least a dozen other non-conforming lots throughout the Milford Flat and he is concerned about spot zoning and setting a precedent. Arden Fowles mentioned that there is also an easement across this property allowing Yardley’s access to their property. Kolby Blackner inquired about the adjoining Yardley property, wondering if it would be possible to do a lot line adjustment to create an A-5 parcel. He stated he would be willing to recommend an A-5 zone, but not willing to spot zone a RE-1. Brandon Yardley stated that he didn’t know if that would be an option for this specific parcel, but that it would not remedy the other non-conforming lots and they would still have the same problem in obtaining a building permit. Carla Fowles inquired if it was possible to rezone the exiting dwellings differently from vacant parcels. Kolby Blackner said that was not possible and read the purpose of the RE-1 zone. Mr. Blackner pointed out all of the other A-5 parcels throughout the Milford Flat. Walter Schofield provided examples of drastic zone changes over the years in Murray, Utah, where he was previously residing.

After further discussion, Don Noyes made a motion to close the public hearing. Kolby Blackner seconded the motion. Karianne Jarvis, Walter Schofield and Bryan Graham voted for, thus the motion passed unanimously. Kolby Blackner offered to entertain any opposing views. Board members declined as they could not support the spot zoning of an RE-1. Mr. Blackner asked the board if they would feel differently if the district was called Agriculture Estates instead of Residential Estates. Board members said that it would. He then explained the differences and went on to show a map of the Ag Protection Zone and expanded on its purpose and importance. Further discussion was had amongst the board. Mr. Blackner reminded the board that under Utah Law, homeowners have no control over zoning. Zoning is dictated by the recommendation of the Planning & Zoning Board and the decision of the County Commissioners. Bryan Graham asked if there was a way to create a new district to clean up all of the non-conforming lots. Mr. Blackner replied, “No”. Don Noyes made a motion to recommend the county commission approve the zone change from A-20fm to RE-1. The motion died.

Kolby Blackner made a motion to recommend the County Commission deny the zone change and that it remain the existing A-20fm. Don Noyes seconded the motion. Walter Schofield, Bryan Graham and Karianne Jarvis voted for, thus the motion passed unanimously.

WORK MEETING:

Mr. Blackner again discussed the need for the Utility Corridor as board members reviewed a map and discussed the proposed location. The Utility Corridor would start one-quarter (¼) mile west of the existing/permitted transmission lines, and run parallel along Hwy 21 to the Millard County Line. It will run a width of five hundred (500) feet on each side of the highway, thus creating a one thousand (1000) foot wide Utility Corridor, in accordance with our Resource Management Plan. Bryan Graham asked if we establish this corridor, if the state had the authority to supersede our decision. Mr. Blackner said not to his knowledge and referred to other counties and how their corridors or lack thereof, have been beneficial or restrictive. Von Christiansen stated that the purpose of the Utility Corridor is to regulate potential growth in an orderly fashion. Mr. Blackner stated that he wouldn't want to establish an energy corridor east of Milford, as we have so much opportunity for energy growth throughout that area. Kolby Blackner made the motion to bring the proposed Utility Corridor to a public hearing at our August meeting. Walter Schofield seconded the motion. Bryan Graham, Karianne Jarvis and Don Noyes voted for, thus the motion passed unanimously.

Attorney, Von Christiansen, provided the board with some ethics training and guidelines.

Bryan Graham made a motion to adjourn. Karianne Jarvis seconded the motion. Don Noyes, Kolby Blackner and Walter Schofield voted for, thus the motion passed unanimously.

The meeting was concluded at 8:51 p.m.

Minutes approved on _____.

Darrel Davis - Chairman